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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the Suspension)
or Revocation of the License of) Administrative Action
)
ROY MODUGNO, D.D.S.) ORDER
)
To Practice Dentistry in the)
State of New Jersey)

This matter was opened to the State Board of Dentistry ("Board") on a complaint filed by Robert J. Del Tufo, Attorney General of New Jersey, by Kathy Rohr, Deputy Attorney General, said complaint alleging that respondent, Roy Modugno, D.D.S., failed to respond to multiple Board requests to provide patient treatment records for Amy, Linda and John Marth in accordance with the Board's regulation, N.J.A.C. 13:30-8.5. Respondent filed a letter answer to the complaint in which he acknowledges that he was in violation of the aforesaid regulation and setting forth mitigating circumstances. The Board acknowledges that subsequent to the filing of the complaint, respondent produced the patient records.

A hearing on the complaint was held before the Board on April 7, 1993. Respondent Roy Modugno, D.D.S. appeared pro se and Kathy Rohr, D.A.G. appeared on behalf of the State. Respondent was advised of his right to be represented by counsel in the proceeding, but he indicated to the Board his intention to go forward without counsel. Respondent acknowledged again his failure to provide the patient records and acknowledged receipt

of numerous requests for such records from the Board. He attributed his failure to comply with the Board requests to his preoccupation with an acrimonious marital separation and divorce proceedings. Respondent testified that as a result of harassment he experienced during the divorce proceedings he procrastinated dealing with other obligations as they arose.

The Board deliberated on this matter during Executive Session and announced its decision in Public Session on the same date.

The Board having considered the entire record in this matter including the testimony of the respondent and for good cause shown,

IT IS ON THIS 19th DAY OF APRIL, 1993,

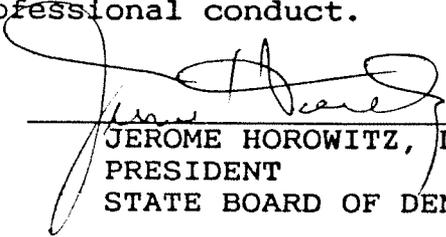
ORDERED:

1. Respondent shall pay a civil penalty in the amount of \$1,000.00 which shall be submitted by certified check or money order made payable to the State of New Jersey and sent to the Board of Dentistry at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than the first day of the month following the entry date of this Order.

2. The costs to the State for these proceedings shall be assessed to the respondent. The Executive Director shall prepare an affidavit attesting to the amount of costs as soon as they are known. Respondent shall pay said costs by submitting a certified check or money order made payable to the State of New Jersey and mailing it to the Board of Dentistry at the above address no

later than thirty (30) days subsequent to receipt of the Executive Director's affidavit setting forth the amount of the costs.

3. Respondent is hereby reprimanded for his failure to comply with Board regulations concerning the provision of patient records and for negligent professional conduct.



JEROME HOROWITZ, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY